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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,370	07/30/1999	TOM THUAN CHEUNG	ST9-99-077/P70-42971	9357
23373	7590	09/08/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HO, THE T	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/364,370

Applicant(s)

CHEUNG, TOM THUAN

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the request for reconsideration filed 5/28/2004.
2. Claims 1-30 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 11-13 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Griesemer U.S Patent No. 6,385,660.

**As to claim 1**, Griesemer teaches a method comprising receiving (is dispatched, line 39 column 6) an input object (object x, line 62 column 6) contains input data (combination of both data and function into an object, lines 36-40 column 1) and one input function (A::foo(), line 66 column 6) executable on a computer (computer system 301, Fig. 5), determining a type (verify that the receiver object is of the saved predicted receiver type 505, Fig. 9) of the received input object (object x, line 62 column 6); based on the determined type, ascertaining whether the input object (object x, line 62 column 6) satisfies predefined requirements (result shows that class A is the stored receiver

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type, lines 63-63 column 6); when it is (if object x is of class A, lines 64-65 column 6), executing the input function (execute method code A::foo(), 509 Fig. 9; lines 65-66 column 6) on a computer (computer system 301, Fig. 5).

**As to claim 2**, Griesemer further teaches executing verification function (if (x=spec\_reg), jump(method code), 453 Fig. 8)).

**As to claim 3**, Griesemer further teaches code (spec\_reg, 451 Fig. 8) for the verification function (if (x=spec\_reg), jump(method code), 453 Fig. 8)) is located in a predefined section (stores an id for the class A into a special register, line 52 column 6) of a controller object source code (451, Fig. 8).

**As to claims 11-13**, they are apparatus claims of claims 1-3, respectively. Therefore, they are rejected for the same reasons as claims 1-3 above.

**As to claims 21-23**, they are computer product claims of claims 1-3, respectively. Therefore, they are rejected for the same reasons as claims 1-3 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6, 14-16 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesemer in view of Allen U.S Patent No. 6,658,625.

**As to claim 4**, Griesemer does not explicitly teach producing an output object. Allen teaches producing an output object by using result produced by the executed function (server 185 executes the request from the client 100 and returned the results, Fig. 2, lines 17-63 column 11). It would have been obvious to apply the teachings of Allen to the system of Griesemer because the client can use the results returned from the server and use it within the application running on the client computer system.

**As to claim 5**, Allen further teaches the received input object is from an application (application 123 of java environment 200, Fig. 2), returning the output object to the application (data returned from 185 to 210 of environment 200, lines 17-41 column 11).

**As to claim 6**, Allen further teaches the received input object is from a user (client 100, Fig. 2), returning the output object to the user (returns data to client 100, line 32 column 11).

**As to claims 14-16**, they are apparatus claims of claims 4-6, respectively. Therefore, they are rejected for the same reasons as claims 4-6 above.

**As to claims 24-26**, they are computer product claims of claims 4-6, respectively. Therefore, they are rejected for the same reasons as claims 4-6 above.

5. Claims 7-8, 17-18 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesemer in view of Yokote U.S Patent No. 6,138,140.

**As to claim 7**, Griesemer further teaches the received input object (object x, line 62 column 6) contains an input function (A::foo(), line 66 column 6) that has a

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predefined signature (the operations within the function A::foo() method code 457, Fig. 8). Griesemer does not explicitly teach receiving a plurality of input objects. Yokote teaches a system wherein a client receives a plurality of input objects (objects of 11-1 and 12-2, Fig. 4) from a server (server 1, Fig. 4). It would have been obvious to apply the teachings of Yokote to the system of Griesemer because this reduces the time it takes to download; furthermore, these objects can be concurrently executed by the client's application.

**As to claim 8**, Yokote further teaches regulating a flow of received input objects (objects necessary first in the execution are downloaded first, lines 43-50 column 6).

**As to claims 17-18**, they are apparatus claims of claims 7-8, respectively. Therefore, they are rejected for the same reasons as claims 7-8 above.

**As to claims 27-28**, they are computer product claims of claims 7-8, respectively. Therefore, they are rejected for the same reasons as claims 7-8 above.

6. Claims 9, 19 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesemer in view of Yokote, and further in view of Aditham U.S. Patent No. 6,378,001.

**As to claim 9**, Griesemer as modified does not explicitly teach a queue. Aditham teaches storing received objects in a queue (FIFO queue stores message objects, lines 19-20 column 6). It would have been obvious to apply the teachings of Aditham to the system of Yokote because it is necessary to store the objects in an

ordered structure while waiting to be processed; therefore, the object which was received first would be executed first as disclosed by Aditham (lines 17-33 column 6).

**As to claim 19**, it is an apparatus claim of claim 9. Therefore, it is rejected for the same reason as claim 9 above.

**As to claim 29**, it is a computer product claim of claim 9. Therefore, it is rejected for the same reason as claim 9 above.

7. Claims 10, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griesemer in view of Yokote, and further in view of Nakai U.S Patent No. 6,253,248.

**As to claim 10**, Griesemer as modified does not explicitly teach returning the object and requesting to resend the object. Nakai teaches returning the object (the request fails, lines 30-43 column 13); requesting the sender (requests the client 107, line 40 column 13) to re-send (to resend the request, line 41 column 13) at a later time (1213, Fig. 14). It would have been obvious to apply the teachings of Nakai to the system of Dean because if there is a failure in the transaction, the client has to resend the request to the server as disclosed by Nakai (lines 30-44 column 13).

**As to claim 20**, it is an apparatus claim of claim 10. Therefore, it is rejected for the same reason as claim 10 above.

**As to claim 30**, it is a computer product claim of claim 10. Therefore, it is rejected for the same reason as claim 10 above.



***Response to Arguments***

8. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argued that Grieseman does not teach based on the determined type, ascertaining whether the input object satisfies predefined requirements (Remarks, last paragraph page 2). In response, Grieseman clearly teaches (lines 61-67 column 6) verifying the object type, which is type x. The process continues when the system determined whether the input object satisfies predefined requirement, in which the requirement is that the object x needs to be of class A. Once the predefined requirement is satisfied, the process is further continued to the step of executing a method. The reference meets the limitation as claimed.

Applicant argued that Allan reference and the patent application have common assignee, therefore according to MPEP 706.02(I)(2) and 35 U.S.C 103(c), Allen reference should be removed as prior art (Remarks, second paragraph page 3). In response, while Allan reference and the patent application have common assignee, they were both filed before November 29, 1999. Therefore, Allen is still maintained as prior according to MPEP 706.02(I)(2) and 35 U.S.C 103(c).

Applicant argued that Aditham reference and the patent application have common assignee, therefore according to MPEP 706.02(I)(2) and 35 U.S.C 103(c), Aditham reference should be removed as prior art (Remarks, last paragraph page 3 continuing to page 4). In response, while Aditham reference and the patent application have common assignee, they were both filed before November 29, 1999. Therefore,

Aditham is still maintained as prior according to MPEP 706.02(I)(2) and 35 U.S.C 103(c).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

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P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

TTH  
August 26, 2004

  
MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
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